

# **EXHIBIT DD**

**In the Matter Of:**

*FREEMAN v*

*DEEBS-ELKENANEY*

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*PATRICK JUOLA, PH.D.*

*September 26, 2023*

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1  
2 UNITED STATES DISTRICT COURT  
3 SOUTHERN DISTRICT OF NEW YORK  
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4 LYNNE FREEMAN, an individual,

5 Plaintiff,

6 vs. Civil Action No.  
7 1:22-cv-02435-LLS-SN

8 TRACY DEEBS-ELKENANEY P/K/A  
9 TRACY WOLFF, an individual,  
10 EMILY SYLVAN KIM, an individual,  
11 PROSPECT AGENCY, LLC, a New Jersey  
12 Limited Liability Company, ENTANGLED  
13 PUBLISHING, LLC, a Delaware Limited  
14 Liability Company, HOLTZBRINCK PUBLISHERS,  
15 LLC D/B/A MACMILLAN, a New York Limited  
16 Liability Company, and UNIVERSAL STUDIOS,  
17 LLC, a Delaware Limited Liability Company,

18 Defendants.  
19 -----

20 REMOTE VIDEOTAPED DEPOSITION OF

21 DR. PATRICK JUOLA, PH.D.

22 Tuesday, September 26, 2023

23 12:57 p.m. (EDT)

24 Reported By:

25 Joan Ferrara, RMR, FCRR

Job No. 2023-911534

September 26, 2023

12:57 a.m. (EDT)

Videotaped Deposition of DR. PATRICK  
JUOLA, PH.D., held remotely via Zoom,  
before Joan Ferrara, a Registered Merit  
Reporter, Federal Certified Realtime  
Reporter and Notary Public.

1  
2 REMOTE APPEARANCES:

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4 ON BEHALF OF PLAINTIFF:

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7 Venice, California 90291

8 BY: STEPHEN DONIGER, ESQ.

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11 ON BEHALF OF PLAINTIFF:

12 CSREEDER

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15 Los Angeles, California 90025

16 BY: MARK PASSIN, ESQ.

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19 ON BEHALF OF PROSPECT AGENCY and EMILY

20 SYLVAN KIM:

21 KLARIS LAW

22 29 Little West 12th Street

23 New York, New York 10014

24 BY: LANCE KOONCE, ESQ.

REMOTE APPEARANCES: (Continued)

ON BEHALF OF TRACY DEEBS-ELKENANEY P/K/A

TRACY WOLFF, ENTANGLED PUBLISHING, LLC,

HOLTZBRINCK PUBLISHERS, LLC d/b/a MACMILLAN

and UNIVERSAL CITY STUDIOS LLC:

COWAN DEBAETS ABRAHAMS & SHEPPARD

41 Madison Avenue

37th Floor

New York, New York 10010

BY: BENJAMIN HALPERIN, ESQ.

ALSO PRESENT:

Adrian Beltran, Videographer

Malcolm Coulthard

1 P. JUOLA

2 Blue Moon Rising or the Crave, right?

3 A Yes.

4 Q All right. So if "in the air"

5 is a common phrase, what does that do to

6 the length of "in the air as I try to"?

7 A That would reduce it from seven

8 words to five, effectively.

9 Q And your last example from

10 paragraph 19 is "on my arms and the back of

11 my neck," correct?

12 A Right.

13 Q And how many words is that?

14 A What?

15 Q How many words is "on my arms

16 and the back of my neck"?

17 A Is that 10? I mean, I don't

18 have it in the front of me to count.

19 Q I misheard you. Two, three,

20 four, five, six, seven, eight, nine.

21 A Nine. My apologies.

22 Q Okay. Would you like to see --

23 can we -- well, first, let me ask you this,

24 is "on my arms" a common phrase?

25 A "On my arms" is not that common,



1 P. JUOLA  
2 but "the back of my neck" -- but "the back  
3 of my neck" is. I will -- you will  
4 probably be asking that question.

5 Q All right. So you would agree  
6 that "back of my neck" is common?

7 A Yes.

8 Q Okay. So without making a  
9 determination either way of "on my arms"  
10 and "the back of my neck," if we consider  
11 the four words "back of my neck" to be  
12 common, what does that do to the sequence  
13 here?

14 A Then it drops down to six words,  
15 I believe.

16 Q Okay. And could we expand the  
17 common sequence to "the back of my neck"?

18 A Maybe.

19 Q And if people are going to say,  
20 "back of my neck," they're probably going  
21 to put the word "the" --

22 A Yes, "the" would be the most  
23 likely way to put it.

24 Q And it drops this one down to  
25 five words, right?



1 P. JUOLA

2 A Yeah.

3 Q At the end of paragraph 19, you  
4 write: "The phrase 'in the air as I try  
5 to' appears only seven times in this set."

6 Do you see that?

7 A Uh-huh, yeah.

8 Q What set are you referring to?

9 A The hundreds of billions of web  
10 pages indexed by the Google search engine.

11 Q Okay. I'm just going to go back  
12 to Google.com again.

13 Do you see it on my screen?

14 A Uh-huh.

15 Q All right. So I'm just going to  
16 search for that whole phrase now, "in the  
17 air as I try to".

18 Did I do that all right?

19 A Yes.

20 Q I have it in quotes?

21 A Yes.

22 Q All right. So --

23 A Oh, they must have update their  
24 database.

25 Q Okay. I'm seeing -- is it

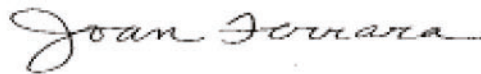
REPORTER CERTIFICATE

I, JOAN FERRARA, do hereby certify:

That said deposition was taken at the  
time and place herein named; and that the  
transcript is a true record of the testimony  
as reported by me, a disinterested person,  
and was thereafter transcribed.

I further certify that I am not  
interested in the outcome of the said  
action, nor connected with, nor related to  
any of the parties in said action, nor to  
their respective counsel.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 2nd day of October, 2023.



JOAN FERRARA, RMR, CFRR

DEPOSITION ERRATA SHEET

Case Caption:

LYNNE FREEMAN  
vs.  
TRACY DEEBS-ELKENANEY , et al.

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury  
that I have read the entire transcript  
of my deposition taken in the captioned  
matter or the same has been read to me,  
and the same is true and accurate, save  
and except for changes and/or corrections,  
if any, as indicated by me on the  
DEPOSITION ERRATA SHEET hereof, with the  
understanding that I offer these changes  
as if still under oath.

SIGNATURE \_\_\_\_\_ DATE: \_\_\_\_\_  
PATRICK JUOLA, PH.D.

Subscribed and sworn to on the \_\_\_\_ day of  
\_\_\_\_\_, 20\_\_ before me,

\_\_\_\_\_  
Notary Public,  
in and for the State of \_\_\_\_\_